

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARLOS MEJIA,

Plaintiff,

v.

9:19-CV-1482
(GTS/CFH)

EVAN PRITCHARD, Corr. Officer, f/k/a Prichard; and
MICHAEL SEXTON, Corr. Officer, f/k/a A. Saxton,

Defendants.

APPEARANCES:

CARLOS MEJIA, 17-A-2830

Plaintiff, *Pro Se*

Five Points Correctional Facility

Caller Box 119

Romulus, New York 14541

HON. LETITIA A. JAMES

Attorney General for the State of New York

Counsel for Defendants

The Capitol

Albany, New York 12224

OF COUNSEL:

LYNN MARIE KNAPP, ESQ.

Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Carlos Mejia (“Plaintiff”) against the two above-captioned employees of the New York State Department of Corrections and Community Supervision (“Defendants”) pursuant to 42 U.S.C. § 1983, are (1) Defendants’ motion to dismiss Plaintiff’s Amended Complaint with prejudice pursuant to Fed. R. Civ. P. 41(b) and Local Rules 10.1(c) and 41.2(b) of the Local Rules of Practice for this Court, and (2) United States Magistrate Judge Christian F. Hummel’s Report-Recommendation

recommending that Defendants' motion be granted, and that Plaintiff's Amended Complaint be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b) and Local Rules 10.1(c) and 41.2(b) of the Local Rules of Practice for this Court. (Dkt. Nos. 33, 36.) Neither party has filed an Objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:¹ Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. (Dkt. No. 36.) As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Defendants' motion to dismiss is granted, and Plaintiff's Amended Complaint is dismissed with prejudice pursuant to Fed. R. Civ. P. 41 and Local Rules 10.1(c) and 41.2(b) of the Local Rules of Practice for this Court.

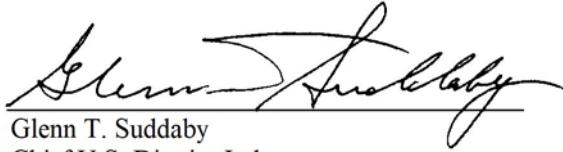
ACCORDINGLY, it is

ORDERED that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 36) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further
ORDERED that Defendants' motion to dismiss (Dkt. No. 33) is **GRANTED**; and it is further

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

ORDERED that Plaintiff's Amended Complaint (Dkt. No. 23) is **DISMISSED** with prejudice.

Dated: November 3, 2020
Syracuse, New York



Glenn T. Suddaby
Chief U.S. District Judge